

LFC Requester:**Eric Chenier****AGENCY BILL ANALYSIS
2016 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:****LFC@NMLEGIS.GOV***and***DFA@STATE.NM.US***{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}**Check all that apply:*Original ☒ Amendment ☐
Correction ☐ Substitute ☐**Date** 1/27/2016**Bill No:** HB 241Reps. Youngblood, Ruiloba,
Pacheco and Rodella.**Agency Code:** 305**Sponsor:** _____**Short** Opioid Abuse Prevention and
Assisted Treatment**Person Writing** Susan Sullivan AAG**Phone:** 827-6070 **Email** ssullivan@nmag.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

HB 241 enacts a law relating to opioid abuse prevention and addressing abuse –deterrent opioid coverage and treatment.

In Section1, HB 241, enacts a new section of the Public Health Act directing the New Mexico Department of Health to provide appropriate educational information on opioid overdose prevention. It lists the information that must be provided including: information regarding overdose risk factors, recognition of signs of opioid overdose, appropriate responses to an overdose, short acting and long –acting antagonists approved by the FDA and such other information as determined by the Department.

In Section 2, HB 241, enacts a new section of the New Mexico Insurance Code requiring prescription drug benefit providers to: provide coverage for at least one abuse-deterrent opioid and prohibiting the provider from requiring the insured to use a prescribed opioid as a condition precedent to authorizing, or providing coverage for a prescribed abuse-deterrent opioid.

HB 241, in Section 2(B), makes clear that it does not prohibit utilization review, including prior authorization, provided the same criteria are applied to a prescribed opioid as to a prescribed abuse-deterrent opioid. It further provides for definitions of terms.

In Section 3, HB 241 directs the secretary of corrections to consider the use of medication assisted treatment, which is treatment for opioid addiction, for persons under the department of corrections supervision.

FISCAL IMPLICATIONS N/A

SIGNIFICANT ISSUES None noted

PERFORMANCE IMPLICATIONS

HB 241, Section 3, requires the secretary of corrections to “consider” the use of medication assisted treatment for opioid addiction but does not require any report back to the legislature on that consideration. It provides no guidance to the secretary as to the anticipated extent of this consideration.

ADMINISTRATIVE IMPLICATIONS None noted

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP N/A

TECHNICAL ISSUES

HB 241, Section 3, requires the secretary of corrections to “consider” the use of medication assisted treatment for opioid addiction but does not define or expand on what is meant by “consider”.

OTHER SUBSTANTIVE ISSUES N/A

ALTERNATIVES None noted

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. New Mexico is facing a drug overdose epidemic. According to a report published in the Albuquerque Journal on July 24th 2015, more New Mexicans died in 2014 of drug overdoses than in any other year on record. The New Mexico Department of Health reported that 536 deaths in 2014 marked a 19% increase over the year before. On April 1, 2015, the FDA released its final guidance on the evaluation of labeling of abuse-deterrent opioids. In its news release of that date, it stated, “To help support the safe use of all opioid products, the FDA is working in many other ways to help prescribers and patients make the best possible choices about how to use these powerful drugs. The agency’s goal is to find the balance between appropriate access to opioids for patients with pain and the need to reduce opioid misuse and abuse.” In a release dated October 17, 2014, the FDA, noted that the science behind abuse –deterrent opioids is still evolving and that they can be a part of a comprehensive approach to combat prescription drug abuse. This suggests, that the use of abuse-deterrent opioids will be more widespread.

AMENDMENTS

HB 241, Section 3, could expand on what is meant by “consider” .